

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AFRICAN COMMUNITIES)
TOGETHER, a membership)
organization; UNDOCUBLACK)
NETWORK, a membership)
organization; DAVID KROMA;)
MOMOLU BONGAY; OTHELLO)
A.S.C. DENNIS; YATTA KIAZOLU;)
CHRISTINA WILSON; JERRYDEAN)
SIMPSON; C.B., AL. K., D.D., D.K.,)
AL. K., AD. K. by and through their)
father and next friend DAVID KROMA;)
O.D., and A.D., by and through their)
father and next friend OTHELLO)
A.S.C. DENNIS; O.S. by and through)
his mother and next friend)
JERRYDEAN SIMPSON)

Plaintiffs,

v.

DONALD J. TRUMP, President)
of the United States in)
his official capacity;)
U.S. DEPARTMENT OF)
HOMELAND SECURITY;)
KIRSTJEN NIELSEN,)
Secretary)
of the U.S. Department of)
Homeland Security in her)
official capacity;)

Defendants.

Civil Action No. 4:19-cv-10432-DHH

**MOTION FOR EXPEDITED BRIEFING
SCHEDULE FOR PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

**MOTION FOR EXPEDITED BRIEFING SCHEDULE
FOR PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION – OPPOSED BY
DEFENDANTS**

Plaintiffs African Communities Together, UndocuBlack Network, David Kroma, Momolu Bongay, Othello A.S.C. Dennis, Yatta Kiazolu, Christina Wilson, Jerrydean Simpson, C.B., AL. K., D.D., D.K., AI. K., AD. K., O.D., A.D., and O.S. respectfully move this Court for an expedited briefing schedule for Plaintiff’s Motion for a Preliminary Injunction and for short leave to file a reply brief.¹ Specifically, Plaintiffs request that the Response to the Motion for Preliminary Injunction be due in ten (10) days, on Friday March 22, 2019 and the reply be due three (3) days following on Monday March 25, 2019. In support thereof, Plaintiff states as follows:

1. The standard briefing schedule under District of Massachusetts Local Rule 7.1(b)(2) takes *at least* two weeks to complete—14 days for the response and an unspecified number of additional days for the reply, if one is required. As such Plaintiff’s Motion for Preliminary Injunction would not be ripe until irreparable harm will have been done to Plaintiffs.

2. As explained in the Complaint and motion for preliminary injunction, on March 31, 2019, the Trump Administration intends to terminate the Deferred Enforced Departure (DED) program for thousands of Liberians residing lawfully in the United States.

3. Plaintiffs’ Motion for Preliminary Injunction requests that this Court enjoin the termination of the DED program for Liberians until the final resolution of this case.

4. If briefing on Plaintiffs’ Motion for Preliminary Injunction is not expedited, Plaintiffs and thousands of other Liberian DED beneficiaries will be forced to leave the United States

¹ Defendant’s oppose Plaintiffs request as noted in point 7.

where they have lived, worked and built families. This unfathomable harm cannot be allowed – particularly without review from this Court.

5. Plaintiffs therefore require an expedited briefing schedule to prevent Defendants from causing further irreparable harm to Plaintiffs and thousands of others while the Motion for Preliminary Injunction is pending. This request only seeks to expedite the process as much as necessary to ensure a full airing of the issues at hand and protect Plaintiffs' interests.

6. Plaintiffs also ask for short leave to file a reply brief in this case. Plaintiffs request only three days, over a weekend to file such a reply. A reply in this case is essential because of the extent of the harms faced by the Plaintiffs, the breadth of the legal issues at hand, and the importance of this case for the public interest. The Court will benefit greatly from full briefing on this matter and thus Plaintiffs request leave to file a reply in short order so as to give the Court as much time as possible to review briefs before argument.

7. Defendants asked Plaintiffs to include the following statement in Plaintiffs' motion in lieu of Defendants filing a separate opposition brief: Defendants oppose Plaintiffs' request for expedited briefing and their request for leave to file a reply brief. Defendants merely ask this Court to proceed with the time periods contemplated by the local rules, under which Defendants have 14 days to oppose and Plaintiffs do not have leave to file a reply. Plaintiffs' rush is entirely of their own choosing. They waited nearly a year to bring this lawsuit and preliminary injunction motion to challenge a decision announced in March 2018. Defendants should not have their deadline condensed in order to accommodate Plaintiffs' delay and Plaintiffs' desire to file a reply. Rather, Plaintiffs' dilatory actions should, at the very least, result in Plaintiffs foregoing a reply brief and Defendants having the time period to oppose a motion that is contemplated by the local rules.

8. Plaintiff also respectfully requests that any hearing on Plaintiff's Motion for Preliminary Injunction be held as soon as the Court's schedule permits immediately following the submission of Plaintiffs' reply.

WHEREFORE, for the reasons stated above, Plaintiff respectfully requests that the Court order that the response to Plaintiff's Motion for Preliminary Injunction be due on March 22, 2019, and the reply, if any, be due on March 27, 2019.

Respectfully submitted this March 12, 2019

On behalf of Plaintiffs by their Attorneys,

/s/ Oren Nimni
Oren Nimni (BBO #691821)
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LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), and Federal Rule of Civil Procedure 37(a), counsel for Plaintiffs has conferred with counsel for the Defendants upon the appearance of counsel in an effort to resolve the issues underlying this Motion.

_____/s/ Oren Nimni

Oren Nimni

CERTIFICATE OF SERVICE

I hereby certify that this document will be electronically filed and will be served on each of the Defendants in accordance with Fed. R. Civ. P. 4 by certified mail.

/s/ Oren Nimni

Oren Nimni